

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

OCT 27 2003

PATRICK FISHER
Clerk

SHANNON YOUNG,

Plaintiff-Counter-
Defendant-Appellant,

v.

DORA GREEN; FRATERNAL
ORDER OF POLICE CREDIT
UNION,

Defendants-Counter-
Claimants-Appellees.

No. 03-2058
(D.C. No. CIV-02-941 MV/LFG)
(D. N.M.)

ORDER AND JUDGMENT *

Before **MURPHY** , **HARTZ** , and **McCONNELL** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Appellant Shannon Young, appearing pro se, appeals from the district court's order that dismissed his complaint with prejudice for failure to state a claim under Fed. R. Civ. P. 12(b)(6). To the extent we can decipher his briefs on appeal, he argues that the dismissal is a violation of due process, and he should have been allowed discovery to produce evidence in support of his claims so that they could be tried to a jury.

We review a dismissal under Rule 12(b)(6) de novo, accepting all well-pleaded factual allegations as true and viewing them in the light most favorable to appellant. Sutton v. Utah State Sch. for Deaf & Blind, 173 F.3d 1226, 1236 (10th Cir. 1999). Dismissal is not proper “unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” Id. (quotation omitted).

The district court dismissed appellant's complaint with prejudice because all of appellant's claims were based on the same specious premise that the car loan he obtained from appellee Fraternal Order of Police Credit Union was not valid because it was not paid to him in gold or silver. We have carefully reviewed the parties' materials and the record on appeal. We resolve that this appeal is frivolous, and we affirm for substantially the same reasons thoroughly discussed by the district court in its January 27, 2003 order.

We construe appellant's paper styled "Formal Notice to the Court" as a motion for sanctions, and deny it. Appellant's papers styled "Motion to Deny Entry of Appearance and Standing" and "Motion for Leave of Court" are also denied.

The judgment of the district court is AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

Michael R. Murphy
Circuit Judge